

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2005/000141

International filing date (day/month/year)
19.01.2005

Priority date (day/month/year)
19.01.2004

International Patent Classification (IPC) or both national classification and IPC
F16J15/18, F16J15/22

Applicant
PATTEMORE, Michael

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/GB2005/000141**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/GB2005/000141**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, Inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	7,8,9,11,12,13,15,17
	No: Claims	1-6,10,14,16
Inventive step (IS)	Yes: Claims	7,8,9,11,12,13,15,17
	No: Claims	1-6,10,11,14,16
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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IAP11 Rec'd PCT/PTO 19 JUL 2006

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

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Re Item V**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following document:

D1: US-A-1 356 393 (NOLTE CARL P) 19 October 1920 (1920-10-19)

It should be noted that the present opinion has been written based on the restricted search performed (see ISR box II.2), i.e in the field of "gland packing material with lubricant" (see also Item VIII of the present opinion).

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document): a gland packing material with lubricant having at least one aperture (17) through which said lubricant (18) can pass and at least one track (19) secured to, and extending along the length of three surfaces (15,16) of the seal.

The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claims 14,16, which therefore are also considered not new.

Dependent claims 2-6,10 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty:

claim 2: see figures;

claim 3,4: see page 1, lines 50,51;

claim 5: see Guidelines A5.26;

claim 6: see fig. 3;

claim 10: apertures 17.

Should the clarity objection raised in Item VIII be overcome, the combination of the

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features of dependent claims 7-9,11-13,15 seems to be neither known from, nor rendered obvious by, the available prior art.-----

Re Item VII**Certain defects in the International application**

- Although claims 1,14,16 have been drafted as separate independent claims, they appear to relate to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.

Independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

- The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

- Claims 18 and 19 contravene the requirements of Rule 6.2(a) PCT (see also Guidelines 5.10).

- The document reflecting the prior art described on page 1, seems to contain a wrong reference.

Re Item VIII**Certain observations on the international application**

According to the description the invention seems to relate to gland packing material impregnated with lubricant, and the problem solved by the invention is to improve the installation and replacement of said material.

However, the subject-matter of the claims relates to "a seal" in general, thereby covering a

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multitude of sealing devices other than gland packing material. Further, "a seal having at least one aperture through which lubricant can pass" covers a wide range of sealing devices, just as examples, as an O-ring in a lubricant passage, an engine gasket having holes for oil passages, mechanical face seals with slip ring lubrication; it is then not clear, for seals other than gland packing material with lubricant, what problem "the track detachably secured to" solves, and how it will be realised.

Thus, either the set of claims is not supported by the description as required by Article 6 PCT, as its scope is broader than justified by the description and drawings, or the description does not disclose sufficiently the matter for which protection is sought, as required by Article 5 PCT (see also Guidelines §4.12).